

REMARKS/ARGUMENTS

Claims 1-4, 10-20, 23, 42-45, 51-61, 64, 83, and 93-107 are pending. New claims 93-107 have been added and depend from independent claim 83, either directly or indirectly.

Please note that references to paragraphs in the Specification are based on the originally filed Specification.

Claims 1-4, 10-20, 23, 42-45, 51-61, 64, and 83 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended claim 1.

Applicants note that claims 42-45, 51-61, 64, and 83 are indicated as rejected. However, the Office Action mailed on January 4, 2010 does not specifically reject claims 42-45, 51-61, 64, and 83. Because claims 42-45, 51-61, 64, and 83 were specifically rejected in the first Office Action mailed on March 18, 2009 (see paragraphs 18 and 19, page 7), Applicants believe that claims 42-45, 51-61, 64, and 83 are not rejected under 35 U.S.C. 101. If this is incorrect, Applicants request the Examiner to specify why claims 42-45, 51-61, 64, and 83 are rejected under 35 U.S.C. 101.

On pages 4-5 of the Office Action, the Examiner cites the Bilski case, as heard before the Federal Circuit. However, the Supreme Court has now issued a separate decision on Bilski, which takes precedence over the Federal Circuit decision. The Examiner cites the "machine-or-transformation" test. However, the Supreme Court has stated that:

The machine-or-transformation test is not the sole test for patent eligibility under § 101. The Court's precedents establish that although that test may be a useful and important clue or investigative tool, it is not the sole test for deciding whether an invention is a patent-eligible "process" under § 101.

Thus, Applicants' believe that the rejection under 35 U.S.C. 101 citing solely the machine-or-manufacture test is moot. However, in order to expedite prosecution, Applicants have amended claim 1 to overcome the Examiner's objection that "using a computer including a processor step"

does not specifically stat which steps, if any, are being performed by a particular machine or being performed by a user of a computer. In particular, Applicants have amended claim 1 to indicate storing, using a computer including a processor, high risk zones that identify, for each of multiple landmarks, an associated peril and zones in proximity to the landmark, wherein each of the zones has associated loss factors; receiving, using the computer including the processor one or more locations to be covered under the insurance policy for one or more perils; and automatically assessing, using the computer including the processor.

With these amendments, Applicants respectfully submit that the rejection under 35 U.S.C. 101 has been overcome.

Claims 1-4, 10-20, 23, 42-45, 51-61, 64, 83, and 93-107 are rejected under 35 U.S.C. 103(a) as being anticipated by Hargrove Jr. et al. (US 5897613). Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended claims 1, 42, and 83.

Applicants note that US 5897613 is cited, but, Applicants believe that the correct reference is US5897619 (listed on the Notice of References Cited attached to the Office Action mailed on March 18, 2009). US 5897613 is directed to efficient transmission of voice silence intervals, while US5897619 is directed to a farm management system.

Amended claims 1, 42, and 83 describe storing, for each of one or more locations, high risk zones that each form a risk ring forming a circle in proximity to a location and that each identify, for each of multiple perils, associated loss factors; receiving one or more locations to be covered under the insurance policy for one or more perils; and automatically assessing risk associated with the one or more locations using the stored high risk zones that identify the associated loss factors for that peril, including generating rating results for the one or more perils, wherein the rating results indicate whether that peril may occur at each of the one or more locations.

For example, Applicants' Specification (paragraphs 65-70, Figures 4A, 4B, and 4C, describe:

[0065] FIG. 4A illustrates a landmark, FIG. 4B illustrates risk rings, and FIG. 4C illustrates logic for identifying risk rings for a landmark in accordance with certain implementations of the invention. With this method, an insurance company

representative may use a Web browser on client computer 100 to custom design a high risk zone, such as a perceived terrorist target. The custom-designed high risk zone may then be stored in data store 170 for use with the method described for FIG. 3.

[0066] Referring to the flowchart of FIG. 4C, the user at block 450 identifies a landmark 446, which is shown by way of example in FIG. 4A. Figure 4A represents a map display 442 that may show on client computer 100 a user-selected image 444 that may include landmark 446, which may correspond to a high risk zone, such as a perceived terrorist target.

[0067] To identify landmark 446 at block 450, the user may enter on client computer 100 the address for landmark 446, which is reported to server computer 120 for display on client computer 100. Alternatively, using a mouse, the user may point to user-selected image 444, zoom into an appropriate resolution (to show landmarks, such as buildings), and select with the mouse the desired landmark 446.

[0068] At block 452, the address for the identified landmark may be conventionally cleansed as discussed above with reference to block 424 in the method of FIG. 3.

[0069] At block 454, the user may identify on client computer 100 a perilous event, such as specified type of terrorist attack on landmark 446 (e.g., a conventional bomb with specified characteristics, a biological weapon with specified characteristics, a chemical weapon with specified characteristics, etc.). Server computer 120 may have a number of such perilous events predefined for the user to select with client computer 100.

Additionally, the user may enter with client computer 100 any desired perilous event and define its characteristics, as desired.

[0070] At block 456, the user may identify on client computer 100 risk rings for the selected landmark 446, as depicted in FIG. 4B. Each risk ring 448a-448d represents an area in proximity to the landmark 446. The user may select for each risk ring 448a-448d an expected loss factor. Thus, for one type of perilous event (e.g., a conventional bomb of specified strength), the user can enter a loss factor for each risk ring 448a-448d based on the expected damage for the selected perilous event. For example, a user may expect a 2,000 pound conventional bomb to destroy 90 percent of the value of the property within risk ring 448a, 80 percent of the value of the property within risk ring 448b, etc. Block 456 may permit the user to create on client computer 100 specified loss profiles for

a specified perilous event, as well as to edit existing high risk zones. Risk rings 448a-448d need not be circular, as shown in FIG. 4B, and may take any desired shape.

The Hargrove patent does not teach or suggest such high risk zones forming risk rings in proximity to a location with loss factors specified for each of multiple perils for each high risk zone. Instead, the Hargrove patent is directed to setting rates on a field by field basis. Such a field by field basis teaches away from, storing, for each of one or more locations, high risk zones that each form a risk ring forming a circle in proximity to a location and that each identify, for each of multiple perils, associated loss factors; receiving one or more locations to be covered under the insurance policy for one or more perils; and automatically assessing risk associated with the one or more locations using the stored high risk zones that identify the associated loss factors for that peril, including generating rating results for the one or more perils, wherein the rating results indicate whether that peril may occur at each of the one or more locations.

For at least these reasons, amended claims 1, 42, and 83 are not taught or suggested by the Hargrove patent.

Dependent claims 2-4, 10-20, 23, 43-45, 51-61, 64, and 93-107 each incorporate the language of one of independent claims 1, 42, and 83 and add additional novel elements. Therefore, dependent claims 2-4, 10-20, 23, 43-45, 51-61, 64, and 93-107 are not taught or suggested by the Hargrove patent for at least the same reasons as were discussed with respect to independent claims 1, 42, and 83.

The Examiner cites a portion of Applicants' Specification in rejecting elements of claims 1, 42, and 43. Applicants respectfully traverse this characterization, but, to expedite prosecution and clarify claim elements, Applicants have amended claims 1, 42, and 83.

Conclusion

For all the above reasons, Applicants submit that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

Dated: July 2, 2010

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